

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

FUTUREWEI TECHNOLOGIES INC.,
D/B/A HUAWEI TECHNOLOGIES (USA)
Plaintiff,

V.

E. OLIVER CAPITAL GROUP, LLC,
MIO GROUP, LTD.,
MIO GROUP INCORPORATED, and
GILBERT R. ARMENTA,
Defendants.

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CAUSE NO. 4:09CV455

**MEMORANDUM ADOPTING REPORTS AND
RECOMMENDATIONS OF THE UNITED STATES MAGISTRATE JUDGE AND
ORDER AWARDING FEES AND COSTS**

Came on for consideration the reports of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On October 21, 2011, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Plaintiff's Motion for Default Judgment (Dkt. 76) be DENIED and that Defendants be required to pay the costs and fees incurred by Plaintiff between April 16, 2011 and September 13, 2011. On January 13, 2012, a supplemental report was entered recommending that the amount of the fees paid to Plaintiff should be \$73,615.00 and the amount of the costs paid to Plaintiff should be \$8,341.14, for a total payment of \$81,956.14.

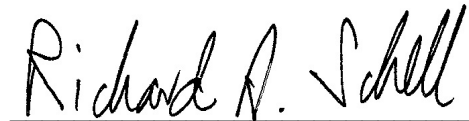
Having received the report of the United States Magistrate Judge regarding the motion for default judgment, and no objections thereto having been timely filed, this court is of the opinion that the findings and conclusions of the Magistrate Judge regarding the denial of default judgment are correct and adopts the Magistrate Judge's report as the findings and conclusions of the court. The

court has also made a *de novo* review of the objections raised by Defendant as to the amount of fees and costs to be awarded to Plaintiff, as well as Plaintiff's response, and is of the opinion that the findings and conclusions of the Magistrate Judge are correct and that the objections are without merit. The court hereby adopts the findings and conclusions of the Magistrate Judge regarding the fees and costs to be awarded as the findings and conclusions of this court.

Therefore, Plaintiff's Motion for Default Judgment (Dkt. 76) is **DENIED** and Defendants are hereby **ORDERED** to pay Plaintiff \$81,956.14 within ten (10) days of this Order and shall file a notice with the court upon payment.

IT IS SO ORDERED.

SIGNED this the 29th day of March, 2012.

A handwritten signature in black ink, reading "Richard A. Schell". The signature is written in a cursive, flowing style. The first name "Richard" is written in a larger, more prominent script, followed by "A." and "Schell".

RICHARD A. SCHELL
UNITED STATES DISTRICT JUDGE